

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20-cv-00189-MR**

IAIAN EVANS MCCLELLAN,

Plaintiff,

vs.

TODD SCHETTER, et al.,

Defendants.

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ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Default Judgment. [Doc. 52].

Plaintiff Iaian Evans McClellan ("Plaintiff") filed this lawsuit on July 10, 2020. [Doc. 1]. On April 27, 2021, Plaintiff's Third Amended Complaint ("Complaint") [Doc. 28] survived initial review as to Plaintiff's claims against Defendants Todd Schetter and Caleb Davis for their failure to protect under the Eighth Amendment. [Doc. 29]. On December 6, 2021, the Court granted Plaintiff's motion for entry of default for Davis' failure to timely answer or otherwise respond to Plaintiff's Complaint and ordered the Clerk to enter default. [Doc. 45]. The Clerk entered Defendant Davis' default the same day. [Doc. 46]. On Defendant Davis' motion, for good cause shown, the Court ordered that default against Defendant Davis be lifted. [Docs. 49, 54].

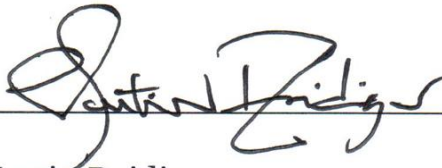
Not having yet received the Court's Order lifting the default against Defendant Davis, Plaintiff moved for default judgment against Defendant Davis. [Doc. 52]. Because Plaintiff's motion is now moot, the Court will deny it.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Default Judgment [Doc. 52] is **DENIED** as moot.

IT IS SO ORDERED.

Signed: January 3, 2022



Martin Reidinger
Chief United States District Judge

